

HOUSE BILL 809

M4

11r2462

By: **Delegates Afzali, Barkley, Bates, Clagett, Frick, Hough, Jacobs, Kaiser, Kramer, McConkey, McDermott, Niemann, Otto, Ready, Rosenberg, Smigiel, and Valderrama**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Honey – Labeling**

3 FOR the purpose of prohibiting a person from labeling a certain product as honey
4 unless the product meets a certain standard; authorizing a person to label a
5 certain product as a honey blend under a certain circumstance; authorizing the
6 Department of Agriculture to examine a certain product for a certain purpose
7 under a certain circumstance; requiring the Department to charge a certain
8 person a certain fee if the Department conducts a certain examination;
9 requiring the Department to give notice of a certain fee to a certain person
10 before conducting a certain examination; authorizing a person who has suffered
11 certain damages to bring an action to recover damages in a certain court;
12 providing that certain damages may not exceed a certain amount; defining
13 certain terms; and generally relating to the regulation of the sale of honey.

14 BY adding to

15 Article – Agriculture

16 Section 10–1801 through 10–1804 to be under the new subtitle “Subtitle 18.
17 Products Sold as Honey”

18 Annotated Code of Maryland

19 (2007 Replacement Volume and 2010 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Agriculture**

23 **SUBTITLE 18. PRODUCTS SOLD AS HONEY.**

24 **10–1801.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) “HONEY” MEANS THE NATURAL SWEET SUBSTANCE PRODUCED BY
4 HONEYBEES FROM THE NECTAR OF PLANTS, THE SECRETIONS OF LIVING PARTS
5 OF PLANTS, OR THE EXCRETIONS OF PLANT-SUCKING INSECTS ON THE LIVING
6 PARTS OF PLANTS, WHICH THE BEES COLLECT, TRANSFORM BY COMBINING
7 WITH CERTAIN SUBSTANCES OF THEIR OWN, DEPOSIT, DEHYDRATE, STORE, AND
8 LEAVE IN THE HONEYCOMB TO RIPEN AND MATURE.

9 (C) “PRODUCT” MEANS A FOOD PRODUCT.

10 10-1802.

11 (A) A PERSON MAY NOT LABEL A RETAIL PRODUCT AS “HONEY” UNLESS
12 THE PRODUCT IS MADE OF 100% HONEY THAT MEETS THE STANDARD FOR
13 HONEY ADOPTED BY THE CODEX ALIMENTARIUS COMMISSION OF THE FOOD
14 AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS AND THE WORLD
15 HEALTH ORGANIZATION, NUMBER 12-1981, AS AMENDED.

16 (B) A PERSON MAY LABEL A PRODUCT THAT DOES NOT MEET THE
17 STANDARD UNDER SUBSECTION (A) OF THIS SECTION AS A “HONEY BLEND” IF
18 THE PRODUCT CONTAINS A LIST OF INGREDIENTS ON THE LABEL.

19 10-1803.

20 (A) WHEN REQUESTED BY ANY PERSON, THE DEPARTMENT MAY
21 EXAMINE A PRODUCT LABELED AS HONEY TO DETERMINE COMPLIANCE WITH
22 THIS SUBTITLE.

23 (B) (1) IF THE DEPARTMENT EXAMINES A PRODUCT UNDER
24 SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT SHALL CHARGE THE
25 PERSON REQUESTING THE EXAMINATION A FEE NOT EXCEEDING THE
26 REASONABLE COST OF CONDUCTING THE EXAMINATION, INCLUDING ANY
27 ADMINISTRATIVE COSTS.

28 (2) BEFORE EXAMINING A PRODUCT UNDER THIS SECTION, THE
29 DEPARTMENT SHALL NOTIFY THE PERSON REQUESTING THE EXAMINATION OF
30 THE AMOUNT OF THE EXAMINATION FEE.

31 10-1804.

1 **(A) A PERSON WHO SUFFERS DAMAGES AS A RESULT OF A VIOLATION**
2 **OF THIS SUBTITLE MAY BRING AN ACTION FOR DAMAGES IN ANY COURT OF**
3 **COMPETENT JURISDICTION.**

4 **(B) AN AWARD FOR DAMAGES UNDER THIS SUBTITLE MAY NOT EXCEED**
5 **\$5,000.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2011.